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Michigan Says Yes to Sandalow

From the UM News and Information Service

University of Michigan law professor Terrance Sandalow has been named the Edson R. Sunderland Professor of Law. The appointment, for a five-year term, was approved by the University of Michigan Regents at their October 15-16 meeting.

Sandalow, who was dean of the law school from 1978 to 1987, is "one of the leading figures in American legal education," said current dean Lee C. Bollinger. "Professor Sandalow's distinguished career as a scholar has covered the fields of municipal government and constitutional law. In addition to numerous articles, he has co-authored a pathbreaking casebook on 'Government in Urban Areas' and co-edited a book on 'Courts and Free Markets.'

"He has frequently testified before Congress on pending legislation. His work is marked by his great breadth of learning and interest in virtually all of the areas of social science and the humanities that continually grow in importance in legal scholarship. As colleague and dean, Professor Sandalow has been a vitally important source in shaping the directions that will be followed by the law school for years to come. He has been, as well, an important member of the larger university community."

Sandalow began his teaching career at the University of Minnesota and joined the University of Michigan law faculty in 1966. He received his A.B. and J.D. degrees from the University of Chicago.

The previous Sunderland Professor was Francis Allen, who is now teaching in Florida.

Ranked Number One in Pre-Season Polls

The Res Gestae

Vol.36 No.8

The University of Michigan Law School

October 28, 1987

Lowe Down on LSSS

By Paul Czarnota

The Law School Student Senate discussed snags affecting the planned alumni clothing sale at its October 26th meeting. President Bruce Courtade informed the senate that he had received a heated telephone call from Jonathan Lowe, Assistant Dean for Law School Relations, regarding the fund raising effort.

Lowe, who is in charge of fund raising for the School, was upset that the LSSS was planning on using the Alumni Directory to contact former students, and accused the Senate of not contacting the administration at all on this project.

Lowe became aware of the Senate's plans when Les Lazarus, director of Word Silk Screening, who is working with the LSSS on this effort, contacted him regarding the possibility of sending out the clothing notices with other funding announcements. Lowe reportedly exploded at Lazarus and later called Courtade about the matter.

Courtade told the Senate that the charge of the LSSS not informing the administration is totally false. The president said that he talked with Dean Sue Eklund before the Senate discussed the proposal, and again after they discussed it. Courtade assured the Senate that the dean supported their plan and had full knowledge of their activities.

Courtade was further irked by Lowe's veiled threats to stop giving money to the LSSS, implying that this will cripple the student government. Courtade responded that the bulk of LSSS funds come from student fees, and not from the Law fund. He did note that some monies do come from the school, however.

In other business, Vice-President Michael McMurray announced that the on-again, off-again Halloween party is now definitely off. Scheduling problems were noted as what ultimately killed the event.

The Senate also confirmed the results

of the first year elections held last Thursday, October 22. (See box on page 1) All of the new senators introduced themselves at the meeting and met the other members of the board. McMurray noted that the overall turnout was between 75 and 80% of the first-year class, and that he was pleased with the turnout.

The LSSS also approved a request from the International Law Society for \$48. Betsy Grimm of the Society noted that this item was for their national organization dues (Association of Student International Law Societies) and had been left out of their original request by an administrative oversight on their part.

The most heated debate of the meeting centered around an open letter to Senate by *Res Gestae* editor-in-chief Reid Rozen concerning references to the newspaper in the LSSS Election Code and its Constitution. The guidelines call for candidates to have, "as of right," a picture and statement in the student paper. Rozen pointed out in his letter to the Senate the change in relations between the LSSS and the paper since the documents were written. The *Res Gestae* had previously derived most of its funds from the Senate, but now is financially independent from the LSSS. The *RG* is proposing that all reference to the paper be deleted from the code and constitution.

In explaining this history of the situation and past problems the Senate has had with its elections process and the required *RG* ads, Courtade emphasized the independence of the paper and the cordial relations currently existing between the two groups. He also mentioned the willingness of Rozen to continue carrying the pictures and statements in the paper.

A number of the LSSS members thought that an equitable arrangement could be arrived at for the publication of future election materials in the *RG*.

McMurray was among those on the

FIRST YEAR ELECTIONS RESULTS

SECTION A

John Moore

SECTIONS E - G

Christopher Adams

SECTIONS B - D

Stacey Anthony

SECTIONS H - K

Lisa Freeman

Senate voicing opposition to the suggested changes, and suggested using strong-arm tactics with the paper. "We can raise a big enough stink to force them to do it [print Senate material]." Secretary Bill Bock joined McMurray, stating that the ultimate threat of the LSSS would be to revoke the *RG*'s office space. McMurray chimed in, "If they refuse to go into an agreement with us, that is what we'll do." Treasurer Ann Larsen best represented this faction by suggesting that the Senate write letters to the firms which advertise in *RG* and discourage them from doing business with the newspaper.

Danielle Carr spoke in calmer tones: "We shouldn't worry about the *RG* not covering us. We should remove the references, make an understanding [with the paper], and have contingency plans if the *RG*'s policy should change" in the future. First-year rep John Moore noted the good faith the *RG* had shown in carrying the pictures and statements this year in light of the scant notice from the Senate on deadlines, and considering that the two elections issues are the most expensive editions for the paper. The Senate, with a budget well over \$30,000 a year and collecting extra revenues from vending machines and video games in the

see *RG* page THREE

Tourney Winners

By Paul Czarnota

The Law School Fall Softball Tournament, which selects the two teams to represent Michigan at the University of Virginia Invitational Tournament, concluded Wednesday, October 21. The Dangles went throughout the competition without a loss, culminating with a 6-3 win over the Latin Quarter, conquerors of the losers bracket. These two teams will head east in the spring. Of the two, Latin Quarter was somewhat of a surprise, as it is composed of first-year players who hadn't played together.

The Tennis Tournament also finished play. Craig Hammond won the men's division with a victory over Seth Jacobsen in the final. The women's winner was Rowena Dodson, who beat Ulrike Wolf-Eisenach in the final. Wolf-Eisenach and Massimiliano Danusso hit paydirt in the mixed doubles defeating Susan Poser and Ray Beckering. Over 70 people participated in the competition.

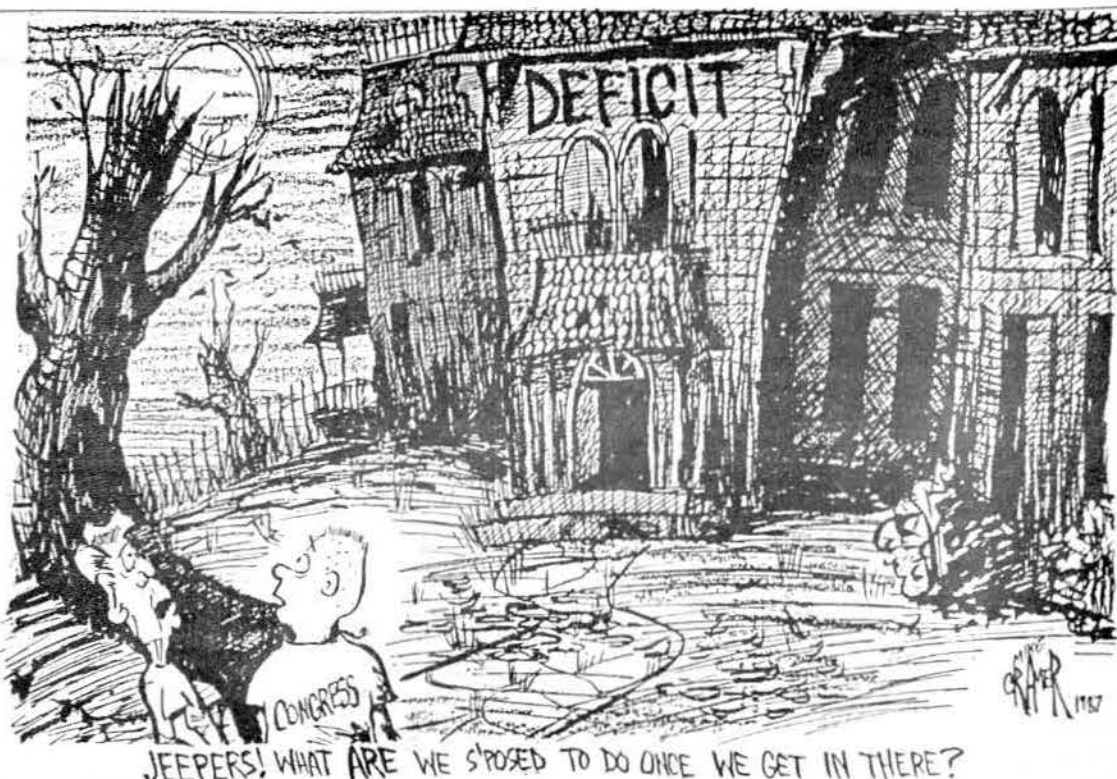
It was further announced that the Football Tournament would be postponed until the spring due to heavy activity in the Sports Committee.

Res Gestae

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When Free Speech Isn't

by Jocko Knappmann

The First Amendment and freedom of speech and the press are, of course, important concepts. When a university tries to infringe on them, we should be a mite bit concerned. When the University of Michigan tries to come in and suppress a student newspaper, we should be worried. When other students gleefully jump in and volunteer to act as administrative stooges, we should be scared.

Over at the University of Michigan-Dearborn, that's exactly what's happening. (Maybe I should say right here that I'm biased as all hell. I was the editor of the *Michigan Journal* two years ago.) Not everybody at UM-D believes in facism, but there are a few individuals who see nothing wrong with the administration and faculty putting out a student newspaper. Then again, these people also think that the journal shouldn't print articles that make UM-D look bad. They don't want a newspaper; they want a PR rag.

Last year's editor was Kevin Evans. Evans ran a contest to guess the number of fires set in Detroit on Devil's Night. First prize was ten gallons of gasoline. For those unfamiliar, Detroit has had a problem for several years running with vandals torching buildings on the night before Halloween. Evans ran the story to call attention to the problem. The Detroit City Council wrote UM-D and Evans a nasty letter. The story spread throughout the country.

I give this as an example to show several things: one, Evans wasn't afraid of generating controversy; two, he realized that what he was doing was going to do just that. The above was only a single example of a string of episodes which followed a predictable pattern: article runs, people complain about how the paper makes UM-D

look bad, people complain about article being in "poor taste" and "irresponsible."

Based on all of this, the administration decided changes had to be made. When it came time to pick a new editor last spring, applicants not associated with the *Journal* were not only solicited, but actively hunted down. When none applied, the deadline was extended until some did. The recommending committee began with an assumption that the *Journal* staff was out of control, unethical, and needed a major overhaul. The applicant who complained about Evans the most won. Whether she really was morally outraged or was just another jilted ex-girlfriend is another matter I often wonder about. And sometimes I don't need to wonder at all.

The University also decided that a Professor was needed to censor the paper before it came out each week. So they made one the Advisor. It didn't matter that the *Journal's* by-laws prohibited this; they were ignored.

So now we have a newspaper where the editor is someone with no experience who says she hated the old paper the most and where the advisor will make sure that the school doesn't look bad any more. The old newspaper staff quit; the administration knew they would. This is where the student stooges entered the picture. They had no skills or experience, but jumped at a chance to add a new line on their resumes when it came time to job-hunt. They were willing to sell their integrity to get that line.

And that's where we are at now. UM-D has a student newspaper that they can be sure won't embarrass it. A jilted lover gets revenge. The stooges get their precious resume line. About the only fly in the ointment is that nobody's left who really cares about putting out a good newspaper for UM-D students.

That's a trade-off UM-D was more than willing to make.

A Limitless Grade Option

THERE'S APPROXIMATELY ONE more month left in the semester. And that means only one thing to the many students who are looking forward to final exams: time to start thinking about taking all your classes pass/fail.

For those who have taken this option in the past, the procedure may be fairly routine. For those who haven't, here are some tips.

Pick and choose the classes in which you feel confident that you will not do well. Certainly, if there are four classes in which you think your GPA will suffer if you went ahead and passed on pass/fail, you can't seriously think that your GPA is capable of that kind of suffering. Furthermore, you don't want to use up all of your pass/fail semester hours—it's about fifteen total, but we're not sure, and besides, we figure that the registrar will warn us when we get close to going over the limit. Moreover, we're not averse to pushing the edge of the pass/fail envelope. We're not rational risk-takers, but we're risk-takers.

Ask your professor what he/she thinks about snotty-faced students taking his/her class pass/fail. If the professor is grateful that you represent one fewer final exam to grade, then go for it. If, on the other hand, your professor thinks that pass/fail is the last refuge of the incompetent and slothful, then maybe you should skip pass/fail and go directly to "dropping your classes," the subject of a future editorial.

One final warning: Michigan doesn't have a pass/fail system. Not really. It's actually a "limited grade option." They give out D's and D+'s, which can be a real drag. We favor the idea of putting asterisks next to D's and D+'s which were really taken in the hopes of getting a P. AD+ in a pass/fail course doesn't really represent the kind of intellectual slackness that a hard-earned, earnest D+ does. But interviewers don't always appreciate the distinction.

We want justice.

TOP TEN REASONS BORK SHOT DOWN

10. Beard likens him to Mephistopheles
9. Always has to be right
8. Think's Constitution's worth more than paper it's written on
7. Funny name--could at least spell it "Borque"
6. Conservative intellectual--no senators could relate
5. The Big Lie
4. The Big Truth
3. Too fat to fit into Powell's robe
2. Supreme Court already has a shortstop
1. Weight of Bollinger's testimony

Registration Offers Course of Headaches

By Reid J. Rozen

It's registration time at law school again, and it's time once again to state the obvious. Registration stinks.

Anybody who has waited an hour in a drop/add line will, of course, already be cognizant of that salient fact, but there are some naive souls which are, as yet, innocently unaware of the gross inequities of the registration and course selection process. Let me count the ways.

The law school does not offer enough courses. Usually, this failure to offer enough courses for 1150 students is explained by the lack of full-time faculty at the school. That's true. The law school does not have enough full-time faculty members, either. In two-and-a-half years of law school, I have taken 73 hours of classes, of which 28, or 38%, were taught by visiting faculty. I'm sure that my situation is not unique, or even unusual.

Part of the reason I came to Michigan Law School was because of the excellent reputation of the faculty. The *resident faculty*. I soon discovered, however, that there really isn't a resident faculty here, just a more-or-less transient one.

The law school administration has, in the past, compounded this problem by offering only one section of some courses which traditionally have had high student demand, such as Enterprise Organizations or Securities Regulation. On the other hand, the school has always seemed to welcome diverse course offerings: I will forever have fond memories of seeing students begging to get a place in an EO section during drop/add time, while Blood Feuds remained on the "add simply by nodding your head" list.

This imbalance between what I will call the "useful" courses, those courses which generally have high student demand and usually deal with real-life legal issues, and what I will refer to as the "odd" courses, those offerings which usually have low demand and deal with philosophy, theory, or history (or all three), is most evident in the seminar mix.

In the typical seminar choices for a semester, the "odd" courses will be well-represented. They are easily identified, a tip-off being the word "Law" followed by an ampersand. "Law & Culture" is a good example, "Law and Morality" is an honorary member of this category.

There might be a good reason to study philosophy in law school, but I can't think of one off hand. Ostensibly, a knowledge of philosophy can make you a more sentient, thoughtful attorney. Well, that's just what we need, isn't it. If the students who take these courses really wanted to

study philosophy, they had their chance in college. Sorry kids, it's time to study law.

Of course, studying philosophy or history or hermeneutics can make the student a better person. But, the way I look at things, it's just a little bit too late for that. You all had an opportunity to be a better person back in high school and undergrad. If you wanted to be a better person, your choice of attending law school is idiosyncratic, if not downright perverse. Who goes to law school to be a better person? Most go to be better lawyers.

Why? Because law school is, above all else, trade school. Those of you who still think you're going to law school to get a well-rounded post-graduate education are living in a dream world. As for those of you who still pretend that you're going to grad school, forget it. There are people in real grad schools right now who are laughing at you. Law school is meant to do one thing: train people for the law. If a law school fails to do that, it can teach all the philosophy it wants and it will still be an utter failure. Face it, just like auto shop in high school, this is voc-ed.

If that is the case, then the course offerings should reflect the needs of the majority of students. Let those who want to take "odd" courses do so—there will always be the merry few who will insist upon taking J.B. White's classes even in the best of all possible worlds. But let's not have these "odd" classes dominate the seminar mix.

But seminars have never really reflected the interests of the majority of the student body (instead, they reflect the interests of the faculty, but who's paying tuition around here anyway?). For example, in the upcoming semester, there are a total of 137 hours of upper-class electives offered, of which 15 can be classified as international law classes. That represents a total of approximately 11% of the number of semester hours offered. Among seminar hours, however, that number jumps to 11 hours out of a total of 41, or nearly 27% (I include classes in this category which concentrate on foreign laws or topics of international regulation. Greek Law and Rhetoric falls into this category, although it is probably more "odd" than international). If it is accurate to state that 11% of the students want to take international law courses, why do these courses represent such a large proportion of offerings at the seminar level? (the answer is not that all the international law professors are teaching seminars this semester: the break down for last semester was 16 out of 126 for upper-class elective hours [13%] and 9 out of 48 seminar hours [19%]).

I am not saying that we should eliminate the

international law seminars: rather, the administration should add more *national* law seminars. It should also reevaluate some of the seminar offerings which continually have long waiting lists of people who have exercised priorities, and those seminars which are only half-filled with people who don't exercise priorities. In my opinion, the evidence is there, and the administration should find out what makes the former type of seminar so popular, and then add similarly popular seminars to the mix. As for the latter type of seminar, the administration should investigate why these courses are being offered, what can be done to make them more desirable, and what should be done to minimize their numbers.

Currently, the mix of seminars makes the priority system a mordant joke. The administration rationalizes the use of priorities by stating that they can be exercised when a student has "a special interest or expertise" in a particular class. The strange balance of seminars, however, channels most of the people who have any kind of special interest toward the few seminars that appear especially interesting. These people don't have a special interest in getting into a particular seminar because of the course's subject matter so much as they have a fear that, failing to get into that seminar, they will be stuck in one of the many courses that they can't stand.

Another aspect of the priority system is especially galling. Let me posit a hypothetical situation: it is winter term, and the following people have indicated a priority selection for one particular seminar. Which of these four will have a higher priority?

- A first-year summer starter;
- A second-year student with no previous seminars;
- A graduating third-year student with one previous seminar;
- A graduating third-year student with no previous seminars.

If you figured that the administration would give added weight to the fact that the last-mentioned third year student needs a seminar in that semester order to graduate, go to the back of the add/drop line. Actually, all of the above students have *equal* priorities. Does that system make much sense? Well, hardly. If the administration insists upon everyone taking a seminar in order to graduate, it should see to it that those who are graduating get the seminars they want.

The semi-annual registration ritual is, for most concerned, a pain in the ass. There are ways to improve the system, if the administration would take the trouble to look into these areas. But it won't. It simply won't.

RG Letter Stirs Debate

continued from page ONE

Lawyer's Club, does not pay a cent towards this space, which often takes up two or more pages in a issue.

Bock further commented that he did not want to control the paper, "but they should have a responsibility to provide information to the students." This responsibility is stated to stem from the previous funding of the paper, and that the newspaper's fiscal health stems from it and a loan that Dean Eklund made to the RG to update it equipment.

Marija Willen commented that she "didn't think that's fair [Bock's comment]; the responsibility [of the RG] is stretched." Carr noted that perhaps the RG won't sign an agreement.

Courtade closed discussion by requesting that the members read Rozen's letter and think about the issue until next week. "Put this off. Two things to remember: one, LSSS has no control over the *Res Gestae*. They have some First

Amendment rights, believe it or not. Second, informal agreements with the RG must be done with the RG's approval, and if they turn us down, there is nothing we can do. Let's sit back...I don't think the RG will be unreasonable. Let's invite Reid in and do some talking."

Notices

The RG is sponsoring free tetanus immunizations to all students and faculty. You need to be immunized every ten years.

Immigration Law Project—Virginia Wise will conduct a training session in Immigration Law research. Wed., Oct. 28, 4-5:30 p.m. 951 Legal Research. Everyone is invited.

Knappmann & Madonna

of Dearborn, Michigan

is pleased to announce that it will be interviewing interested 2nd and 3rd year students on

Thursday, November 11, 1987

for summer and permanent employment, 1988

Knappmann & Madonna specializes in Music and Motion Picture Law, although the Motion Picture end has fallen on hard times as of late.

Students' interview request cards are due in the Placement Office TODAY

Space Law: The Final Frontier

By Bob Mullen

You and me—we were meant for something better, right? Firms, clerkships, bla bla bla, get up, chug coffee all day—that's not really what we went to law school for. *Am I right?* Last week, though, I saw it on a firm resume; like a smooth, black monolith on a barren landscape the words stood on the page; my mind clicked in a way it couldn't before; I knew what the next stage of my profession would be, the stage destined to involve you and me: *Space Law.*

*I'm a space lawyer
Bet you weren't ready for that
I'm a space lawyer
I always fudge on the launch pad
Yeah yeah yeah yeeaaahhh...*

Welcome to the practice of Space Law, and to the billions upon billions of opportunities for barristers bold and restless. Opportunities to ride the cutting edge abound here like nowhere else, for very little is settled, and what restraints are imposed by starry decisia are easily distorted through the Dopler Effect of speed through space alone, not requiring the time element earthbound lawyers rely upon to ignore other people's cases.

In this nascent stage of the art, traditional property law is already in big trouble. Black holes are making a mockery of adverse possession, sucking in entire galaxies and anyone who tries to retrieve them. Experts feel the open and notorious requirement may prove their downfall; defendants, however, may still aver the old Comet Law Rule of Capture. In any case, the trick'll be getting somebody to deliver the summons, though. The concept of property lines is troublesome, too, in an expanding universe. And there's increasing litigation over the ownership of gas clouds which cross under those lines—but that may always be a nebulae area of the law. Moreover, challenging ownership of property is becoming an all-too-easy means of forcing a settlement, when you've got to do a title search back to the Big Bang. And the Rule Against Perpetuities is being challenged fervently, especially by the outer Circuits. Many space lawyers are finding more relaxing yet still volatile work, however, in advising occupants of solar systems that are going nova.

Many other areas of the law are popular among this, the first generation of

space lawyers. Antitrust is back in style, with the breaking up of unlawful constellations. Patent law is in a state of turbulence: although clearly one may patent useful new life forms, bitter battles are being waged over which life form patented the other one first. And whether there is substantial performance in supplying pulsars or one should be held to the strict terms of a quasar-contract is a

Getting into Space Law may not be that easy, but it shouldn't be too hard. No firms will expect you to be from their location. Then again, some of the older, more traditional firms only interview at schools with zero-gravity cubicles. And there seems to be something of an ongoing debate over whether one should have to wear a full space suit for the initial campus interview.

all the firms interviewing at Michigan, there's still plenty of opportunity among smaller firms in the asteroid belt or even, perhaps, as a solo shuttle-chaser.

*Ground control to Lawyer Tom
Your circuit's dead there's
something wrong
Can you hear me Lawyer Tom...
Can you hear me Lawyer Tom...*

Unquestionably there are drawbacks every budding space lawyer should consider. To begin with, there are a number of extra laws we'll need to know for the Bar Exam—like of thermodynamics of gravitation, of large numbers. And if you're in with a larger firm, it may be three to four years before you ever test your mettle on the launch pad. Furthermore, unless you're a hot shot you could find yourself in orbitration the rest of your life. Those in the fast lane do go far in no time, though, which raises another worry. Travelling often at the speed of light will lend new meaning to trying to keep your mass down, but at least maintaining a high level of energy will come easy.

Time, too, can piss off space lawyers, denying their practice the glamour it might deserve. In intergalaxial litigation the choice-of-law alone can occupy a whole career when documents must travel ten light-years, though liberal treatment is generally given to filing dates. And it's nearly impossible to keep secretaries past the point where gamma rays have caused their hair to fall out.

Moreover, young space lawyers frequently feel frustrated in having to defend only the likes of Red Giants, rarely having the time to take on a pro bono White Dwarf. And one shouldn't ignore the fact that space lawyers are more likely to encounter hostile life forms than star voyagers in general. In the middle of space, no one can hear you sue.

*She came from planet Claire
She was a space lawyer
She drove a Plymouth Satellite
Chased shuttles at the speed of
light...*

But you and me—we know a good thing when we see it. Something to remember is there's always work for space lawyers, whether the universe is expanding, or, as some predict, collapsing. So wrap that scarf tight, kiss momma goodbye, and...I'll see you in space. Counselor.



subtle issue not lost on all space lawyers. Interesting procedural questions crop up, too, especially when one side seeks to admit antimatter into evidence.

*Some people call me a space
lawyer, yeah
Some call me a gangster of love
Some people call me Maurrice
'Cause I streak thru the heavens
above.*

If nothing else, by interviewing for Space Law we'll diminish the machismo of students shooting for Alaska—five degrees Kelvin is a whole 'nother ballpark—and out-exotic the Hawaii people as well. Which brings up another point: cease all thought of flyback abuse. Most firms located on, say, Neptune or Uranus will only fly you to their branch office, usually on Mars. It's a trip, but hardly worth it for its own sake.

In any event, even if you get dung by

Law in the Raw

BY DOUG GRAHAM AND TIM THOMPSON

Pissed Off

Drug testing is becoming run-of-the-mill these days, so it seems. When a law student in Philadelphia arrived late to work one day, a fellow summer associate gave him a sample container and told him he should fill 'er up, "Managing Partner's orders."

The law student dutifully completed the task and headed down the hallway to deliver the specimen to the Partner's office. Before he could place his gift on the desk, he was stopped by the fellow summer associate who told him that he was only kidding.

We Bill 7000 Hours a Year

The Texaco-Pennzoil lawsuit has recently provided an interesting view of what life in a New York firm is really like. Pennzoil, which won \$11 billion from Texaco for tortious breach of contract and is now Texaco's largest creditor, has objected to the billing statements of Weil, Gotshal & Manges and Cravath, Swaine & Moore. (The firms are doing work for the now-bankrupt Texaco.) Pennzoil claims that the fees are unreasonable and that

the billing statements provide only the hours each attorney worked on the case.

One attorney at Cravath, Richard L. Crisona, reportedly billed "twenty-four hours a day on this case for two consecutive days, without eating, sleeping or, presumably, doing anything else, without providing the faintest clue as to what that attorney was doing on those days," charges Pennzoil.

Crisona defended his hours, claiming that he actually did sleep during that period, but began 24-hours shifts on each of the two days, with a brief rest in between. What's really scary is that this might fly. Only in NYC.

Nat'l Law Journal, Oct. 14, 1987